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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,184	02/06/2002	Edward A. Green	FURO/05/111	8062
37563	7590	09/09/2005	EXAMINER	
WOOD, HERRON & EVANS, LLP (SAINT-GOBAIN) 2700 CAREW TOWER 441 VINE STREET CINCINNATI, OH 45202			HOOK, JAMES F	
			ART UNIT	PAPER NUMBER
			3754	

DATE MAILED: 09/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/068,184

Applicant(s)

GREEN ET AL.

Examiner

James F. Hook

Art Unit

3754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-20 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-20 and 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12-20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tonyali in view of Phillippi, and Messerly in light of Johansen (457). The patent to Tonyali discloses the recited laminated brake hose comprising an innermost nylon layer 14, an outermost nylon layer 15, a reinforced layer 16 that is provided as a layer sandwiched by two layers of HDPE, where the reinforcement layer is made of polyester fibers including the a range overlapping the required pics per inch of claim 5, where the polyamides used are chosen from polyamides 11 and 12, and the thickness of the inner layer also overlaps the recitation of claim 6 in light of applicants discussion that mills refers to 1/1000th of an inch. The patent to Tonyali discloses all of the recited structure with the exception of forming the brake tubing of a coiled shape, and forming the connection layers that sandwich the reinforcement of polyurethane of a specific hardness in place of HDPE, and use of a specific type of polyurethane, specifically polyester polyurethane. The patent to Phillippi discloses the recited laminated brake hose where such can be provided with inner and outer layers of nylon 13,14, and providing a reinforcement layer 15 where the tube can be formed with a coiled shape to allow it to self retract. It would have been obvious to one skilled in the art to modify the

hose in Tonyali to be formed of a coiled configuration as such would allow the hose to be self retracting and would thereby reduce the risk of damage to the hose as suggested by Phillippi. The patent to Messerly discloses a hose for pressurized media of which brake lines are known pressure applications for tubes, comprising an inner layer 14 of polyamide or nylon, where polyamide 11 can be used, in one embodiment polyurethane is used in an intermediate layer 16, where the polyurethane used in the invention is the same as set forth in Johansen 4,303,457 which sets forth that polyurethanes or mixtures of polyester and polyurethane is what makes up the polyurethanes suggested in Messerly in reference to the '457 patent (see col. 3, lines 30-43 of Messerly, and col. 4 lines 3-64, and col. 6 lines 9-26), where such are more compatible with polyester and polyamide materials, the polyurethane has a hardness of 80-95 shore A and as per '457 can be as hard as 50-60 shore D, a reinforced layer 18, and an outer layer 28 can also be formed of polyamide as per the embodiment mentioned above. It would have been obvious to one skilled in the art to modify the connecting layer provided with reinforcement in Tonyali by using polyester polyurethane as the intermediate layer with a hardness including 80-95 shore A as such would provide better adhering properties to the polyurethane layer when it is touching polyesters and polyamides as is known in the art, as suggested by Messerly in light of the teachings of Johansen and where such is a known equivalent material used for connecting layers of polyamides and reinforcing layers as suggested by Messerly, where such would provide a more flexible hose which would be easier to bend and improve functionality of the hose.

Response to Arguments

Applicant's arguments with respect to claims 12-20 and 22 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patent to Russell also mentioned in the specification of Messerly and showing equal state of the art polyurethanes used to form the polyurethane layer in Messerly.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

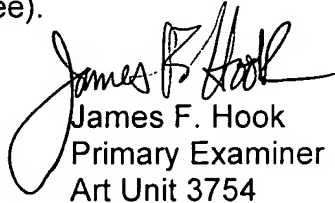
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James F. Hook whose telephone number is (571) 272-

4903. The examiner can normally be reached on Monday to Wednesday, work at home Thursdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Mar can be reached on (571) 272-4906. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


James F. Hook
Primary Examiner
Art Unit 3754

JFH